

REMARKS

A. Background

The Advisory Action dated December 12, 2008, refused entry of the prior response dated November 25, 2008 to the final Office Action on grounds that it introduced “new limitations [that] have not been examined before.” As such, applicant submits this response to the final Office Action wherein the claims have been amended so as to not add any new limitations that have not been examined before.

Claims 14, 16-18, 20, 21, 23-28, 30, 31, 38-45, 47, 49-51, 55, 56, and 58-68 were pending in the application at the time of the Office Action with claims 16, 17, 25, 41, 44, 49, and 51 being withdrawn from consideration. Claims 26-28, 30, and 31 were rejected under 35 USC 112, first paragraph, while claims 55, 56, 58 and 65 were rejected under 35 USC 112, second paragraph. Claims 26-28, 31, 55, 56 and 63-65 were rejected as being anticipated or obvious over cited prior art. Claims 14, 18, 21, 23, 24, 38-40, 42, 43, 45, 47, 50, 59-62, 66, and 67 were allowed while claims 30, 40, 58, and 61 were objected to as being dependent upon a rejected base claim but were held to be allowed if amended into independent form including all of the limitations of the base and any intervening claims. By this response applicant has amended claims 20, 26, and 55 and cancelled claims 30, 58, 63-65, and 68. As such, claims 14, 16-18, 20, 21, 23-28, 31, 38-45, 47, 49-51, 55, 56, 59-62, 66, and 67 are now pending in the application with claims 16, 17, 25, 41, 44, 49, and 51 remaining withdrawn from consideration.

B. Proposed Claim Amendments

Claim 20 has been amended to depend from claim 18. Claim 26 has been amended to incorporate the limitations of claim 30 and to remove objected to language. Claim 55 has been amended to incorporate the limitations of claim 58 and to remove objected to language. In view

of the foregoing, applicant respectfully submits that the amendments to the claims do not add new matter and do not raise new issues that have not been examined before. As such, entry of the present response and the claim amendments is respectfully requested.

C. Examiner Interview

Applicant wishes to thank the examiner for the courtesy of the telephone interview conducted on January 13, 2008. During the interview, applicant discussed with the Examiner the Advisory Action dated December 12, 2008 and why the Examiner held that applicant's response dated November 25, 2008 to the final Office Action would not be enter because it introduced "new limitations [that] have not been examined before." During the interview, it was discussed that claim 26 would be amended to incorporate the limitations of claim 30 that depended therefrom and that such an amendment would not raise new limitations. The Examiner also agreed that applicant's cancelling of the language in claims 26 and 55 that was objected to under Section 112 was acceptable and would not raise new limitations.

D. Rejection on the Merits

Page 2 of the Office Action objects to the specification for failing to provide antecedent basis for language recited in claim 26. Applicant has herein removed the language from claim 26 which the Office Action asserted was not recited in the specification. As such, withdrawal of the objection to the specification is respectfully requested.

Page 2 of the Office Action rejects claims 26-28, 30, and 31 under 35 USC § 112, first paragraph, as failing to comply with the written description requirement. Specifically, the Office Action rejects claim 26 for reciting language that is allegedly not supported by the specification.

Applicant has herein amended claim 26 to remove the rejected language. As discussed above, the above amendments to claim 26 were agreed to by the Examiner during the telephone interview. As such, withdrawal of the rejection under 35 USC § 112, first paragraph, is respectfully requested.

Page 3 of the Office Action rejects claims 55, 56, 58, and 65 under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter. Specifically, the Office Action objects to language in claim 55 as being indefinite. Applicant has herein amended claim 55 to remove the objected to language. This amendment to claim 26 was agreed to by the Examiner during the telephone interview. Applicant has also herein cancelled claim 65. As such, withdrawal of the rejections under 35 USC § 112, second paragraph, is respectfully requested.

Page 3 of the Office Action also rejects claims 26, 31, and 64-65 under 35 USC § 102(b) as being anticipated by U.S. Patent No. 5,489,311 to Cipolletti. Applicant has herein amended claim 26 to incorporate the limitations of claim 30 which depended directly therefrom and which was considered in the Office Action to contain allowable subject matter. As such, applicant submits that claim 26 and claim 31 which depends therefrom are allowable for the same reasons that claim 30 was considered allowable in the Office Action. Claims 64 and 65 have been cancelled herein and thus those rejections are moot.

Page 4 of the Office Action rejects claims 55 and 56 under 35 USC § 102(e) as being anticipated by U.S. Patent No. 6,866,683 to Gerbec et al. Applicant has herein amended claim 55 to incorporate the limitations of claim 58 which depended directly therefrom and which was considered in the Office Action to contain allowable subject matter. As such, applicant submits

that claim 55 and claim 56 which depends therefrom are allowable for substantially the same reasons that claim 58 was considered allowable in the Office Action.

Page 4 of the Office Action also rejects claims 27, 28, 63, 64, and 65 under 35 USC § 103(a) as being obvious over the Cipolletti patent. Claim 63-65 have been cancelled herein and thus the rejection of those claims is now moot. Claims 27 and 28 depend from claim 26 and thus incorporate the limitations thereof. As such, applicant submits that claims 27 and 28 are allowable for at least the same reasons as discussed above with regard to claim 26.

No other objections or rejections are set forth in the Office Action.

E. Conclusion

Applicant notes that this response does not discuss every reason why the claims of the present application are distinguished over the cited prior art. Most notably, applicant submits that many if not all of the dependent claims are independently distinguishable over the cited prior art. Applicant has merely submitted those arguments which it considers sufficient to clearly distinguish the claims over the cited prior art.

In view of the foregoing, applicant respectfully requests the Examiner's reconsideration and allowance of claims 14, 16-18, 20, 21, 23-28, 31, 38-45, 47, 49-51, 55, 56, 59-62, 66, and 67 as now pending in the application with claims 16, 17, 25, 41, 44, 49, and 51 remaining withdrawn from consideration. Because the claims from which withdrawn claims 16, 17, 25, 41, 44, 49, and 51 depend are now in condition for allowance, applicant requests that withdrawn claims 16, 17, 25, 41, 44, 49, and 51 now be rejoined in the application.

In the event there remains any impediment to allowance of the claims which could be clarified in a telephonic interview, the Examiner is respectfully requested to initiate such an

interview with the undersigned so that any remaining issues can be addressed by Examiner's

Amendment.

Dated this 13th day of January 2009.

Respectfully submitted,

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